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## **SYNONYMS IN THE CONTEMPORARY ENGLISH LEGAL DISCOURSE: TO THE ISSUE OF THE CORRECT CHOICE OF WORDS**

*The main point made in this article concerns one of the most acute issues of the contemporary linguistics: the possibility of using synonyms in the content of the legal discourse without confusing the true meaning of particular legal terms. It is stated that synonymy is a common feature of a legal discourse; the examples analyzed show that it is an effective means which not only leads to the understanding of Law but also helps to distinguish between its multiple and complicated aspects.*

The skills of using proper words and building up a communicative process are very important for the one who wants to express his or her thoughts in an understandable manner. He or she requires to develop the ability of making the correct choice of words and to use means of self-expression, no matter what his or her occupation and field of interests are. If you need people to understand you adequately, then learn to speak soundly.

The better field to start with is the legal language, or (as it will be used in the context of this article) professional legal discourse. Legal sphere guides citizens of all countries through their whole life from the moment of birth and till the time they take their final breath. It is a solid and firm bridge, which unites citizens and government. What is even more important, it is a bridge between citizens within one society. People without a legal background, i. e. non-lawyers, possess a superficial idea of Law, their rights, duties and obligations. They require an adequate explanation, made of plain and familiar words, but still correct and precise.

To explain things to people who are culturally diverse, with different levels of educational attainment and different professional backgrounds, helping them to adopt and accept this new information, experts in Law use certain means of expression, find and choose proper synonyms.

Synonymy, synonyms and discourse are among all those linguistic phenomena, which remain the objects of multiple ongoing researches and careful study all over the world. None of them has ever acquired a unified generally excepted definition. Besides, one should never forget that all these phenomena co-exist in one and the

same sphere, called language. This fact makes the matters even more complicated leaving much space for further investigation.

Language is usually considered as a system of communication used by people in a particular country, type of work and for particular purposes [1]. In this connection, it is understood as a highly complicated, multisided and multileveled system for it is used in every sphere of human's life. Language is constantly undergoing a never-ending process of development, which is also closely connected with the development of human being, history, culture, technological progress, etc. All these factors affect the language, making it richer in the means of expression, description, analysis, problem solution and so on. Synonymy is usually known as one of those means.

There are different definitions for the term «synonymy». Traditionally it is used when referring to a specific type of logical relations between lexical units. To be more exact, it is a set of certain semantic relations between lexemes, the meanings of which are closely related [2]. Some researchers cannot admit the possibility of at least two words having exactly the same meaning especially within the same genre or even discourse. They explain their point by etymological and orthographical uniqueness of each word, its phonic qualities, usage, etc. Nevertheless, practice shows that similarity of meanings does exist even though not on a regular terms.

The idea of identity of lexical meanings lies at the basis of the traditional approach to the synonymy understanding. This type of approach is widely spread not only in the circles of contemporary linguistic studies but also in the fields of language in linguodidactics and methods of teaching both native and foreign languages. This circumstance, in turn, justifies the continued popularity of the traditional approach.

It is notable that in the context of the traditional approach synonyms are considered in most cases as language units that are only relatively close in their semantic meanings [3]. As a rule the researchers come across with the so-called linguistic doublets (i. e. groups of lexemes with a completely identical meaning) on rather rare occasions. For example, the classic case of the Russian doublets «лингвистика» and «языкознание» (both are translated into English as **linguistics**), or such synonymous doublets of English legal discourse as **request and require**.

It is an interesting fact, that from the position of the traditional approach the phenomenon of synonymy can be observed at all known levels of language, and not only at the level of the shortest units that denotes a particular phenomenon of the surrounding reality (words). One can distinguish the synonymy of morphemes (prefixes, suffixes, inflections), lexical and word-forming synonymy, as well as synonymy of syntactic constructions, phraseological units, conjunctions, prepositions, etc. Except for the traditional approach, a denotative one was also developed: its essence was carefully studied and analyzed by A. A. Reformatsky. The scientist believed that the

denotative similarity (in other words, the referent qualities) of linguistic units should be taken as a criterion of synonymy. But these theory has a weak point: the referent quality of units significantly restricts the possibility of their functioning in a discourse, since, nominating the same subject, synonyms do not correlate in their basic meaning.

The structural approach allows to study the issue of synonymy of linguistic units from the position of their interchangeability, provided that the meaning of the context does not change as a result. This approach is very convenient in conditions of all those situations when a specialist in a particular sphere of professional activity needs to replace certain units and structures to make the information clear for the recipient, helping him or her to understand and, consequently, perceive it (legal advice on housing or credit issues, etc).

There is also a pragmatic or emotional aspect of synonymy of language units. In the context of this approach, the crucial factor in selecting synonyms is the variety of shades of their main meaning. A skilful selection of synonyms together with their thoughtful combination in the flow of speech or in the content of the text make possible to achieve a particular emotional response from other communicants and readers. Speakers, journalists, authors of critical articles and works of fiction, etc. follow this principle as one of the effective means of self-expression and persuasion.

Special attention should also be paid to the fact that there is still no consensus on the appropriateness of using synonyms in the context of certain types of discourses. This issue is particularly acute in relation to the legal discourse of the contemporary English language.

The results of numerous studies in the field of legal discourse reflect its complexity and multidimensionality of this language education. They also allow to deduce a strict system of rules and requirements for the selection of lexical, syntactic, grammatical and stylistic means, which help to build and develop a particular situation or to form a professionally-oriented text on a specific legal topic.

First of all, legal discourse is an institutional language education. This implies that its specific feature is a high level of professionalization of the relations between the participants in the communicative situation. This feature reveals itself at the level of authority and responsibilities performed by a specific specialist: a judge, a juror, a prosecutor, an attorney, a barrister, a defendant, etc. None of the participants may ignore their functions or go beyond their authority, as well as to assign themselves powers, functions and responsibilities that are not provided for by their position.

Secondly, legal discourse is entirely subject to the fundamental principle of objectivity of law. This means that its whole content is addressed to every member of civil society and is mandatory. Failure to understand or ignoring the message due to

lack of understanding is not an excuse, and even has negative consequences for offenders. The positions held, special conditions and circumstances also do not exempt citizens from responsibility and duties imposed by the law of a particular country.

Finally, one should take into account the use of special terminology: it is remarkably frequent in the context of the legal discourse. It is the means by which a high level of accuracy is achieved, when naming specific documents (application, appeal, decree, Protocol, notification request), indicating the status, position or condition of a person and his or her role (an investigator, a judge, a witness, a defendant, a suspect, an eye-witness, etc.), and specifying procedural steps: search, examination, confrontation, interrogation, seizure, etc.

The list of analyzed characteristic features of legal discourse cannot be regarded as a complete one. But it allows to assume in advance how exactly the authors and participants of a particular communication should approach the question of choosing synonyms in order to achieve the goals set.

The expediency of giving the utmost accuracy to the content of legal discourse makes one doubt whether it is possible to carry out synonymous substitutions. Replacing one lexical unit with a partial equivalent leads to an inevitable confusion of shades of the main semantic meaning. As a result, one faces a distortion of a true meaning of a statement or a text, repetition and many other mistakes that are unacceptable when dealing with legal texts or certain situations analyzed previously.

As for an evaluative vocabulary, which is remarkably rich in synonymous rows, it is very limited within the legal discourse and does not give any additional emotional shades. It is closely connected the objectivity of this type of discourse. It is highly important to convey the inadmissibility of committing illegal actions by members of a law-abiding society. But paying much attention to this idea will easily distract from the basic principles of organization and construction of legal discourse, which results in changing the type of the discourse into a completely different one.

Thus it can be summarized that in the process of working with the legal discourse, the ill-considered use of synonyms, as well as the inability to select the most appropriate equivalents from the entire variety of language means, are the main sources of inaccuracy and ambiguity which ruin the content.

However, despite the imposed limitations, synonymy of legal terms occurs regularly enough.

For example, the concepts of **Tort** and **Crime**. The noun **tort** differs from **crime** in a sense that it refers to the violation of the Civil Law (motor vehicle accidents, assault, product liability, workplace accidents, etc.). In these situations individuals are considered to be the injured party. **A crime** on the other hand, is a wrong doing that affects civilized society and falls under the laws of the state or federal gov-

ernment [4, p. 104]. This noun is used in those situations, when the victim is declared to be the society as a whole, since it suffers negative consequences as a result of violating the law, which is determined as a crime.

As for another example — the verbs **to accuse** and **to charge** — the first one is used when one of the communicants claims that someone has done something wrong (for example, lied or stole). The second verb is used by the law enforcement officers: when the police charge someone with committing a crime, they formally accuse him of it.

The analysis allows to draw two conclusions:

1. The linguistic phenomenon of synonymy is still not studied to the extent that would solve the problem of a unified definition of this concept and give a definitive answer to the question of the permissibility of synonyms in legal discourse.

2. The studied examples clearly demonstrate the benefits of synonymy in the context of such a complex institutional discourse from the perspective of traditional, structural and pragmatic approaches.

1. Cambridge dictionary. Language [Electronic resource]. URL: <https://dictionary.cambridge.org/ru/> (date of access: 26.03.2020). [Вернуться к статье](#)

2. Synonymy Definition and Examples [Electronic resource]. URL: <https://www.thoughtco.com/synonymy-definition-1692019> (date of access: 20.03.2020). [Вернуться к статье](#)

3. Белов В. А. Реализация теоретических подходов к синонимии в методике русского языка [Электронный ресурс] // Ученые записки Петрозаводского государственного университета. 2018. № 1 (170). URL: <https://cyberleninka.ru/article/n/realizatsiya-teoreticheskikh-podhodov-k-sinonimii-v-metodike-russkogo-yazyka/viewer> (дата обращения: 19.03.2020). [Вернуться к статье](#)

4. Stewart W. J. Collins Dictionary of Law. 2<sup>nd</sup> edition. Great Britain : Clays Ltd, St Ives, 2001. 422 p. [Вернуться к статье](#)

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### **Синонимы в современном англоязычном юридическом дискурсе: к вопросу о правильном выборе слов**

Статья посвящена проблеме адекватного выбора слов-синонимов в процессе формирования содержания юридического дискурса. В связи с этим в первой части статьи рассматриваются основные понятия: язык, синонимия, синонимы, юридический дискурс.

Язык как самая сложная многоуровневая и многоаспектная система требует особого внимания, поскольку отображает всю сложность и разнообразие человеческого бытия. Последнее отражается в языке неограниченными источниками лексических, синтаксических и стилистических средств самовыраже-

ния, пояснения, анализа, отображения человеческого восприятия окружающей реальности и происходящих в ней процессов, а также сложных процессов, происходящих внутри самого человека — в его душе и разуме.

В связи с этим синонимии следует рассматривать как естественное следствие высокого уровня развития современного языка, то есть как не менее сложное и многоаспектное явление, в ходе изучения которого были разработаны разнообразные научные подходы. Автор рассматривает основные подходы к изучению явления синонимии: традиционный, структурный и прагматический.

Повседневная жизнь человека теснейшим образом связана с юридической сферой, которая защищает его права: начиная от самых фундаментальных (право на жизнь, неприкосновенность личности, физическую неприкосновенность и т. п.) и заканчивая правами в самых разнообразных областях человеческой деятельности. Человек не может быть сведущим во всех этих областях, поэтому очень часто граждане, не имеющие юридического образования, обращаются к специалистам правовой сферы. Разная степень готовности граждан воспринимать совершенно новую, непривычную для их слуха и понимания информацию обуславливает приобретение юристом навыка ретрансляции информации юридического плана. При этом он обязан учитывать характеристики юридического дискурса, которые принципиально дифференцируют его от других видов дискурса. В этой связи закономерно встает вопрос о правомерности замены того или иного юридического термина более понятным реципиенту эквивалентом.

В связи с этим во второй части статьи автор проводит подробный анализ характеристик юридического дискурса. В качестве основных выделяются профессионализация, объективность и, как следствие этого, ограниченный выбор оценочной лексики, регулярное употребление юридической терминологии. Здесь автор подчеркивает, что непродуманный выбор синонимов неизбежно ведет к искажению истинного смысла.

Далее, опираясь на рассмотренные научные подходы к изучению явления синонимии, автор проводит анализ дефиниций нескольких терминов, отдельно взятых из юридического дискурса.

В заключении формируется вывод о том, что наличие синонимов в юридическом дискурсе обоснованно, поскольку с их помощью удастся передать всю сложность правовой системы. Автор особенно выделяет мысль о малой изученности выбранной темы.